

plurality of test compounds, each of said test compounds being disposed on a solid support in a pattern whereby the position and identity of each of said test compounds is indicated by a 2-dimensional coordinate,

(b) detecting a response of the detector layer to the test compound, wherein a response is indicative that a test compound is a bioactive compound, and

(c) determining the identity of said bioactive compound by reference to the 2-dimensional coordinate of said bioactive compound.

REMARKS

1. Status of the Claims

Claims 39 and 58 have been amended to more clearly define the invention. The definition of the array (see page 8, lines 9-11) has been included to clarify that the compounds are positioned on a solid support in such a way that the position in the area of the detector will be correlated with the identify of the compound in the array (see page 31, lines 17-20 of the Specification) and thus, no decoding is necessary when the screening result is obtained. Another clarification is that the array of test compounds are brought into close application with the detector layer (see page 17, line 3 of the last paragraph of

the Specification). As noted in Applicant's Response filed on December 26, 2001, such close application cannot be obtained if the compounds or the cells are in traditional 96 well plates, but is only possible if the compounds or the cells are held on a sheet or similar support. No new matter has been added.

2. Rejections Under 35 USC §102(e)

The Examiner had rejected the claims as anticipated under 35 USC §102(e) in view of (a) Isacoff et al., (b) Negulescu and (c) Chelsky et al. Applicant had previously submitted remarks responding to the anticipation rejections over Isacoff and Chelsky et al. Applicant had failed to respond to the rejection to Negulescu for the reasons discussed below.

Rejection over Negulescu

Claims 18-22, 26, 32-33, 34-35 and 38 were rejected under 35 USC §102(e) as being anticipated by Negulescu et al. (US Patent No. 6,214,563). Applicant had incorrectly believed that Applicant's priority date predated the earliest U.S. filing date of the Negulescu patent and had, therefore, not addressed the substance of the anticipation rejection.

The Examiner asserts that the Negulescu reference anticipates the instant invention because it describes a method of screening test chemicals in fluorescent assays and cell-based assays. Applicant would like to point out that Negulescu does not describe a key feature of the present invention, namely, an array of test compounds disposed on a solid support wherein the position of each compound on the solid support is denoted by a simple 2-dimensional coordinate which corresponds to the identity of the compound. Applicant, therefore, submits that Negulescu cannot be held to anticipate the claimed invention. Reconsideration and removal of the rejection is respectfully requested.

Favorable consideration of the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at (714) 708-8555, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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Attached: Marked-up Version of Claims

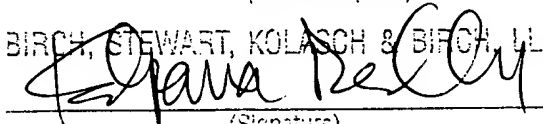
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(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP



(Signature)

6/24/02

(Date of Signature)



MARKED-UP VERSION OF CLAIMS

IN THE CLAIMS:

Please amend the claims as follows:

39. (Amended) A method for screening test compounds for bioactivity, comprising:

(a) [obtaining] providing an array of test compounds, wherein each test compound is disposed on a solid support in a pattern whereby the [position] identity of each said test compound[s] [can be identified] is indicated by a 2-dimensional coordinate;

(b) bringing the array of test compounds in close apposition with a detector layer[; and],

(c) detecting a response of the detector layer to the test compound, wherein a response is indicative that a test compound is a bioactive compounds[.] , and

(d) determining the identity of said bioactive compound by reference to the 2-dimensional coordinate of said bioactive compound.

58. (Amended) A method for screening test compounds for bioactivity, comprising:

(a) bringing an array of test compounds in close apposition with a detector layer, said array of test compounds being comprised of a plurality of test compounds, each of said test compounds being disposed on a solid support in a pattern whereby the position and identity of each of said test compounds [can be identified] is indicated by a 2-dimensional coordinate, [; and]

(b) detecting a response of the detector layer to the test compound, wherein a response is indicative that a test compound is a bioactive compound[.], and

(c) determining the identity of said bioactive compound by reference to the 2-dimensional coordinate of said bioactive compound.